

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 AYDE AZUCCERA PEREZ GUTIERREZ;
5 BRENDA KARLA GABRELA REYES
6 MEDRANO; ADRIANA TORRES; ERIKA
7 SOCORRO VALLE PERALTA; SALVADOR
8 VLADIMIR JIMENEZ FLORES; and
9 VIRIDIANA RAMIREZ RODRIGUEZ,

Case No. 2:19-cv-01940-JCM-EJY

10 **ORDER**

11 Plaintiffs,

12 v.

13 MARISCOS EL PUERTO, INC.; LA
14 CATRINA, LLC; LA CATRINA
15 ENTERTAINMENT, LLC; MANUELA
16 HERNANDEZ; JULIAN HERNANDEZ;
17 HECTOR MORENO; and DANNY
18 HERNANDEZ,

19 Defendants.

20 Pending before the Court is Plaintiffs' Motion to Compel Production of Documents (ECF
21 No. 81). The Motion was filed on January 23, 2022. As of the date of this Order, no Response to
22 the Motion has been filed. Under United States District Court for the District of Nevada Local Rule
23 7-2(d) the Court may treat the failure to respond to a motion as the opposing party's consent to the
24 granting of that motion. For this reason, the Court grants Plaintiffs' Motion to Compel. Further,
25 under Federal Rule of Civil Procedure 37(a)(5), Plaintiffs are entitled to an award of reasonable fees
26 and costs upon prevailing on their Motion to Compel.

27 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Motion to Compel Production of
28 Documents (ECF No. 81) is GRANTED.

29 IT IS FURTHER ORDERED that Defendants must respond to Plaintiffs' First and Second
30 Requests for Documents no later than March 8, 2022. Defendants are advised that failure to timely
31 comply with the requirements of this Order may result in additional sanctions up to and including
32 issuing an order to show cause why Defendants should not be held in contempt and their answer to
33 Plaintiffs' operative complaint struck, which may lead to a default judgment.

1 IT IS FURTHER ORDERED that Plaintiffs are awarded their reasonable fees and costs for
2 bringing the Motion to Compel. Plaintiffs shall, within 14 days of the date of this Order, submit a
3 memorandum, supported by affidavit of counsel, establishing the reasonable attorneys' fees and
4 costs incurred in preparing and filing ECF No. 81. The memorandum must provide a reasonable
5 itemization and description of work performed, identify the attorney(s) or staff member(s)
6 performing the work, the customary fee of the attorney(s) or staff member(s) for such work, and the
7 experience, reputation and ability of the attorney performing the work. The attorney's affidavit shall
8 authenticate the information contained in the memorandum, provide a statement that the bill has
9 been reviewed and edited, and a statement that the fees and costs charged are reasonable.

10 IT IS FURTHER ORDERED that Defendants shall have five (5) days from service of the
11 memorandum of fees and costs in which to file a responsive memorandum addressing the
12 reasonableness of the amount sought, and any equitable considerations deemed appropriate for the
13 Court to consider in determining the amount of costs and fees which should be awarded.

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15 Dated this 9th day of February, 2022.

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18 ELAYNA J. YOUCRAH
19 UNITED STATES MAGISTRATE JUDGE
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